

Senate File 507

H-1157

1 Amend Senate File 507, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 7E.5, subsection 1, paragraph h, Code
5 2019, is amended to read as follows:

6 h. The department of workforce development, created
7 in [section 84A.1](#), which has primary responsibility for
8 administering the laws relating to unemployment compensation
9 insurance, job placement and training, employment safety, labor
10 standards, workers' compensation, the family leave and medical
11 insurance program, and related matters.

12 Sec. 2. NEW SECTION. 96A.1 Short title.

13 This chapter may be cited as the "*Iowa Family and Medical*
14 *Leave Act*".

15 Sec. 3. NEW SECTION. 96A.2 Definitions.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "*Child*" means a biological, adopted, or foster child,
19 a stepchild, a legal ward, or a child of a person standing in
20 loco parentis, regardless of the child's age or dependency
21 status.

22 2. "*Covered employer*" means a private sector employer who
23 has ten or more employees for each working day during each of
24 twenty or more calendar workweeks in the current or previous
25 calendar year and a public employer without regard to the
26 number of employees employed.

27 3. "*Department*" means the department of workforce
28 development.

29 4. "*Director*" means the director of the department of
30 workforce development.

31 5. "*Employee*" means the same as defined in section 91A.2.
32 "*Employee*" does not include an independent contractor, a self-
33 employed person, or a patient or inmate employed by a state
34 or local institution to which the patient or inmate has been
35 sentenced or committed.

1 6. "*Employer*" means the same as defined in 91A.2.
2 "*Employer*" includes a temporary staffing agency or employment
3 agency.

4 7. "*Employment benefits*" means all benefits provided or
5 made available to an employee by an employer, including group
6 life insurance, health insurance, disability insurance, sick
7 leave, annual leave, educational benefits, and pensions except
8 benefits that are provided by a practice or written policy of
9 an employer or through an employee benefit plan as defined in
10 29 U.S.C. §1002(3).

11 8. "*Family leave*" means a leave taken from work by an
12 employee for any of the following reasons:

13 a. To participate in providing care, including physical or
14 psychological care, for a family member of the employee made
15 necessary by a serious health condition of the family member.

16 b. To bond with the employee's child after the child's
17 birth or with a child under the age of eighteen placed with the
18 employee for adoption or foster care.

19 c. Because of a qualifying exigency for a family member as
20 permitted under the federal Family and Medical Leave Act of
21 1993, as amended, and federal regulations as provided in 29
22 C.F.R. §825.126.

23 9. "*Family member*" means a child, parent, or spouse of an
24 employee.

25 10. "*Gross earnings*" means the same as defined in section
26 85.61.

27 11. "*Health care provider*" means a physician or other
28 health care practitioner licensed, accredited, registered, or
29 certified to perform specified health care services consistent
30 with state law.

31 12. "*In loco parentis*" means an individual who has
32 day-to-day responsibilities to care for or financially support
33 a child.

34 13. "*Inpatient care*" means an overnight stay in a hospital,
35 hospice, or residential medical care facility, including any

1 period of incapacity, or any subsequent treatment in connection
2 with such inpatient care.

3 14. "*Medical leave*" means a leave from work taken by an
4 employee made necessary by the employee's own serious health
5 condition.

6 15. "*Parent*" means a biological, adoptive, step, or foster
7 father or mother, or any other individual who stands in
8 loco parentis to an employee or who stood in loco parentis
9 when the employee was a child. "*Parent*" does not include a
10 parent-in-law.

11 16. "*Period of incapacity*" means an inability to work,
12 attend school, or perform other regular daily activities due
13 to a serious health condition, treatment of a serious health
14 condition, or recovery from a serious health condition.

15 17. "*Premium*" or "*premiums*" means the payments required by
16 section 96A.12 and paid to the department for deposit in the
17 family and medical leave insurance account pursuant to section
18 96A.22.

19 18. "*Public employer*" means the state of Iowa, its
20 boards, commissions, agencies, departments, and its political
21 subdivisions including school districts and other special
22 purpose districts.

23 19. "*Serious health condition*" means an illness, injury,
24 impairment, physical condition, or mental condition that
25 involves inpatient care in a hospital, hospice, medical care
26 facility, or continued treatment or continuing supervision by
27 a health care provider.

28 20. "*Spendable weekly earnings*" means the amount remaining
29 after payroll taxes are deducted from an employee's gross
30 weekly earnings.

31 21. "*Spouse*" means the person with whom an individual has
32 entered into marriage as defined or recognized under state law
33 for purposes of marriage in the state in which the marriage
34 was entered into or, in the case of a marriage entered into
35 outside of any state, if the marriage is valid in the place

1 where the marriage was entered into and the marriage could have
2 been entered into in at least one state, including a same sex
3 or common law marriage.

4 22. "*Wages*" means the same as defined in section 91A.2.

5 Sec. 4. NEW SECTION. 96A.3 **Benefit eligibility.**

6 An employee is eligible for family leave and medical leave
7 as provided in this chapter after working for a covered
8 employer for both a minimum of twelve consecutive months
9 immediately preceding the employee's request for leave and a
10 minimum of one thousand two hundred fifty hours during that
11 twelve-consecutive-month period.

12 Sec. 5. NEW SECTION. 96A.4 **Leave entitlement for a defined**
13 **twelve-month period.**

14 1. An employee is entitled to a maximum of twelve weeks
15 of family leave during a defined period of twelve consecutive
16 months.

17 2. An employee is entitled to a maximum of twelve weeks of
18 medical leave during a defined period of twelve consecutive
19 months unless the employee experiences a serious health
20 condition, which is pregnancy-related, that results in a longer
21 period of incapacity in which case any extended medical leave
22 beyond twelve weeks shall conform with section 216.6.

23 3. An employee is entitled to a maximum combined total of
24 paid family leave and medical leave of sixteen weeks during a
25 defined period of twelve consecutive months.

26 4. An employee is not entitled to family leave or medical
27 leave of less than eight consecutive hours.

28 Sec. 6. NEW SECTION. 96A.5 **Calculating the defined**
29 **twelve-month period.**

30 The defined period of twelve consecutive months for
31 calculation of an eligible employee's family leave or medical
32 leave entitlement begins on any of the following:

33 1. The date of birth of an employee's child or the date
34 of placement of a child for adoption or foster care with the
35 employee.

1 2. The first day of family leave that an employee takes for
2 a family member's serious health condition or a family member's
3 qualifying exigency.

4 3. The first day of medical leave.

5 Sec. 7. NEW SECTION. **96A.6 Disqualification from leave**
6 **entitlement.**

7 An eligible employee is disqualified for family leave or
8 medical leave benefits under this chapter for any of the
9 following:

10 1. An absence due to the employee's willful intention to
11 injure or cause a sickness to the employee or to the employee's
12 family member.

13 2. An injury or sickness caused by the employee engaging in
14 an illegal act.

15 3. The employee's absence due to an employer taking any
16 disciplinary action against the employee.

17 Sec. 8. NEW SECTION. **96A.7 Employee notice to employer of**
18 **intent to take leave.**

19 1. If leave for the birth of a child or placement of a child
20 for adoption or foster care with an employee is foreseeable,
21 the employee shall provide written notice not less than thirty
22 calendar days before the date the leave is to begin.

23 2. If the birth of a child or placement of a child for
24 adoption or foster care with an employee requires leave to
25 begin in less than thirty calendar days, the employee shall
26 provide written notice as far in advance as is practicable.

27 3. If leave for a family member's serious health condition
28 or an employee's serious health condition is foreseeable based
29 on planned medical treatment, the employee shall do all of the
30 following:

31 a. Make a reasonable effort to schedule such medical
32 treatment, subject to the recommendation of the employee's or
33 family member's health care provider as appropriate, to not
34 unduly disrupt the operations of the employer.

35 b. Provide the employer with not less than thirty calendar

1 days prior written notice of the employee's intention to take
2 leave for a family member's serious health condition or the
3 employee's serious health condition.

4 4. If leave for a family member's serious health condition
5 or an employee's serious health condition is not foreseeable,
6 the employee shall provide written notice as far in advance as
7 is practicable.

8 Sec. 9. NEW SECTION. 96A.8 Weekly claim, certification, and
9 verification.

10 Beginning January 1, 2024, family leave or medical leave
11 insurance benefits are payable to an employee during a period
12 in which the employee is unable to perform the employee's
13 regular or customary work because the employee is on family
14 leave or medical leave if the employee meets all of the
15 following requirements:

16 1. The employee files a weekly claim for benefits with the
17 department as required per rules adopted by the director.

18 2. The employee meets the eligibility requirements pursuant
19 to section 96A.3 or the elective coverage requirements pursuant
20 to section 96A.14.

21 3. The employee consents to the disclosure of information or
22 records that may be deemed private or confidential under state
23 or federal law. Disclosure of such information and records by
24 another state agency or an employer to the department shall
25 be solely for purposes related to the administration of this
26 chapter. Information and records disclosed by an employee
27 under this chapter shall not be public records as defined in
28 section 22.1.

29 4. The employee authorizes the health care provider of the
30 employee's family member or of the employee, as applicable, to
31 complete a certification of a serious health condition in a
32 form as required by the director.

33 5. The employee attests that written notice has been
34 provided to the employee's employer per section 96A.7.

35 6. The employee provides documentation of a family member's

1 qualifying exigency if requested by the employee's employer.

2 Sec. 10. NEW SECTION. **96A.9 Waiting period for leave**
3 **benefits.**

4 Family leave or medical leave insurance benefits shall be
5 payable to an eligible employee following a waiting period
6 consisting of the first seven calendar days of leave. However,
7 no such waiting period applies to a leave for the birth or
8 placement of a child with an eligible employee.

9 Sec. 11. NEW SECTION. **96A.10 Weekly leave benefit amount.**

10 1. The basis for the calculation of a leave benefit amount
11 shall be the weekly earnings of an eligible employee on the
12 day the leave is granted. "*Weekly earnings*" means the gross
13 earnings of an employee to which such employee would have been
14 entitled had the employee worked the employee's customary hours
15 for the full pay period in which the employee is on family
16 leave or medical leave. Weekly earnings shall be computed as
17 follows, rounded to the nearest dollar, for an employee who is
18 paid on the following basis:

19 a. On a weekly pay period basis, the weekly earnings are the
20 weekly gross earnings.

21 b. On a biweekly pay period basis, the weekly earnings are
22 one-half of the biweekly gross earnings.

23 c. On a semimonthly pay period basis, the weekly earnings
24 are the semimonthly gross earnings multiplied by twenty-four
25 and then divided by fifty-two.

26 d. On a monthly pay period basis, the weekly earnings
27 are the monthly gross earnings multiplied by twelve and then
28 divided by fifty-two.

29 e. On a yearly pay period basis, the weekly earnings shall
30 be the yearly earnings divided by fifty-two.

31 f. On a daily or hourly basis, or by the output of an
32 employee, the weekly earnings shall be computed by dividing by
33 thirteen the earnings, including shift differential pay but
34 not including overtime or premium pay, of the employee earned
35 in the last completed period of thirteen consecutive calendar

1 weeks immediately preceding the start day of the leave. If
2 the employee was absent from employment for personal reasons
3 during part of the thirteen calendar weeks preceding the
4 leave, the employee's weekly earnings shall be the amount the
5 employee would have earned had the employee worked when work
6 was available to other employees of the employer in a similar
7 occupation. A week that does not fairly reflect the employee's
8 customary earnings shall be replaced by the closest previous
9 week with earnings that fairly represent the employee's
10 customary earnings.

11 2. If on the date that leave begins an employee's hourly
12 earnings cannot be ascertained, the earnings for the purpose
13 of calculating the benefit amount shall be the usual earnings
14 for similar services where such services are rendered by paid
15 employees.

16 3. If an employee earns either no wages or less than the
17 usual weekly earnings of a regular full-time adult laborer
18 in the line of work in which the employee is working in
19 that locality, the weekly earnings shall be one-fiftieth of
20 the total earnings which the employee has earned from all
21 employment during the twelve consecutive calendar months
22 immediately preceding the date that the employee's leave
23 begins.

24 4. The weekly leave benefit amount payable to an employee
25 for any one week shall be eighty percent of the employee's
26 spendable weekly earnings, but shall not exceed an amount equal
27 to two hundred percent of the statewide average weekly wage
28 paid to employees as determined by the department pursuant to
29 section 96.19 and in effect on the date that the employee's
30 leave commences. However, the weekly leave benefit amount
31 shall be a minimum equal to the lesser of the weekly leave
32 benefit amount of a person whose gross weekly earnings are
33 thirty-five percent of the statewide average weekly wage, or to
34 the spendable weekly earnings of the employee.

35 Sec. 12. NEW SECTION. 96A.11 Payment of benefits to an

1 eligible employee.

2 1. The department shall send the first benefit payment to
3 an employee within ten calendar days after the first properly
4 completed weekly claim from the employee is received by
5 the department. Subsequent payments shall be sent at least
6 biweekly to an eligible employee if a properly completed weekly
7 claim from the employee is received by the department.

8 2. If an employer contests an employee's initial claim
9 for family leave or medical leave benefits, the employer must
10 notify the employee and the department in the manner prescribed
11 by the director within ten calendar days of the employer's
12 receipt of notice from the department of the employee's filing
13 of a claim for benefits pursuant to section 96A.21, subsection
14 3. Failure to timely contest an initial application shall
15 constitute a waiver of objection to the family leave or medical
16 leave claim.

17 3. If the department or the employer contests an employee's
18 eligibility for benefits after the employee begins receiving
19 benefits the employee shall continue to be paid benefits
20 conditionally for any weeks for which the employee files a
21 claim for benefits. The employee's right to retain such
22 benefit payments shall be conditioned upon the department's
23 finding that the employee is eligible for such benefit
24 payments.

25 a. At an employee's request, the department shall hold
26 conditional benefit payments until the department resolves the
27 employee's eligibility status.

28 b. Payment shall be issued promptly for any withheld benefit
29 payments if the department determines that an employee is
30 eligible for benefits.

31 c. If the department determines that an employee is
32 ineligible for the conditionally paid benefits, the employee
33 shall repay the overpayment per rules as adopted by the
34 director.

35 Sec. 13. NEW SECTION. 96A.12 Funding the family leave and

1 **medical leave insurance program.**

2 1. Beginning on January 1, 2022, and ending December
3 31, 2023, the department shall assess for each employee
4 in employment with a covered employer a premium rate of
5 four-tenths of one percent of an employee's wages based on the
6 amount of the individual's wages, subject to subsection 6.

7 a. The premium rate for family leave benefits shall be equal
8 to one-third of the total premium rate.

9 b. The premium rate for medical leave benefits shall be
10 equal to two-thirds of the total premium rate.

11 2. For calendar year 2024 and subsequent calendar years the
12 director shall determine the percentage of paid claims related
13 to family leave benefits and the percentage of paid claims
14 related to medical leave benefits and adjust the premium rates
15 set in subsection 1 by the proportional share of claims paid
16 for both types of leave.

17 3. For family leave premiums a covered employer may deduct
18 up to forty-five percent of the full amount of the required
19 premiums from the wages of each employee. The remaining
20 fifty-five percent of the required premiums shall be paid by
21 the covered employer.

22 4. For medical leave premiums a covered employer may deduct
23 up to forty-five percent of the full amount of the required
24 premiums from the wages of each employee. The remaining
25 fifty-five percent of the required premiums shall be paid by
26 the covered employer.

27 5. A covered employer may elect to pay all or any portion of
28 the employee's share of the premiums for family leave benefits
29 or medical leave benefits or both.

30 6. The director shall annually set a maximum limit on the
31 amount of an employee's wages that are subject to a premium
32 assessment under this section that is equal to the contribution
33 and benefit base for the calendar year as determined by the
34 United States social security administration for purposes of
35 26 U.S.C. §3121(a).

1 7. For calendar year 2024 and subsequent calendar years,
2 the total premium rate shall be based on the family leave and
3 medical leave insurance account balance ratio as of September
4 30 of the previous year. The director shall calculate the
5 account balance ratio by dividing the balance of the family
6 leave and medical leave insurance account by the total wages
7 paid by covered employers. The division shall be carried
8 to the fourth decimal place with the remaining fraction
9 disregarded unless it amounts to five hundred thousandths or
10 more in which case the fourth decimal place shall be rounded
11 to the next higher digit. If the family leave and medical
12 leave insurance account balance ratio is any of the following
13 percentages, the premium shall be the following percentage of
14 an employee's wages subject to a premium assessment:
15 *a.* If the ratio is zero to nine hundredths of one percent,
16 the premium shall be six-tenths of one percent.
17 *b.* If the ratio is one-tenth of one percent to nineteen
18 hundredths of one percent, the premium shall be five-tenths of
19 one percent.
20 *c.* If the ratio is two-tenths of one percent to twenty-nine
21 hundredths of one percent, the premium shall be four-tenths of
22 one percent.
23 *d.* If the ratio is three-tenths of one percent to
24 thirty-nine hundredths of one percent, the premium shall be
25 three-tenths of one percent.
26 *e.* If the ratio is four-tenths of one percent to forty-nine
27 hundredths of one percent, the premium shall be two-tenths of
28 one percent.
29 *f.* If the ratio is five-tenths of one percent or greater,
30 the premium shall be one-tenth of one percent.
31 8. Beginning January 1, 2024, if the account balance ratio
32 calculated in subsection 7 is below five hundredths of one
33 percent, the director shall assess a solvency surcharge at
34 the lowest rate necessary to provide revenue to pay for the
35 administrative and benefit costs of family leave and medical

1 leave insurance for the calendar year. The solvency surcharge
2 shall be at least one-tenth of one percent and no more than
3 six-tenths of one percent and shall be added to the total
4 premium rate assessed to each employee of a covered employer
5 for family leave and medical leave benefits.

6 9. A covered employer shall collect all required premiums
7 and surcharges from the employer's employees through payroll
8 deductions and shall remit the amount collected and the amount
9 to be paid by the employer to the department as required by
10 rules adopted by the director.

11 10. On September 30 of each year the department shall
12 average the number of employees reported by an employer over
13 the last four completed calendar quarters to determine the
14 number of employees employed by the employer for the purpose
15 of determining if an employer shall be considered a covered
16 employer for the next calendar year.

17 Sec. 14. NEW SECTION. 96A.13 **Waiver of premium for**
18 **out-of-state employee.**

19 1. An employer may file an application with the department
20 for a conditional waiver of the payment of family leave and
21 medical leave premiums assessed under section 96A.12 for an
22 employee who meets all of the following requirements:

23 a. The employee is physically based outside of the state.

24 b. The employee is physically working in the state on a
25 limited or temporary work schedule.

26 c. The employee is not expected to be physically working
27 in the state for one thousand two hundred fifty hours or more
28 during any consecutive twelve-month period.

29 2. The department shall approve an application that is
30 signed by both the employee and the employee's employer
31 attesting to compliance with the requirements of subsection 1.

32 3. If the employee physically works in the state for one
33 thousand two hundred fifty hours or more in any consecutive
34 twelve-month period, the conditional waiver shall expire and
35 the employer and employee shall be responsible for all premiums

1 pursuant to section 96A.12 for the consecutive twelve-month
2 period in which the employee worked one thousand two hundred
3 fifty hours or more. Upon submission of the premiums by the
4 employer to the department, the employee shall be credited for
5 the hours worked during that consecutive twelve-month period
6 and shall be eligible for benefits under this chapter.

7 Sec. 15. NEW SECTION. 96A.14 Self-employed persons elective
8 participation in the family leave and medical leave insurance
9 program.

10 1. A self-employed person electing to participate in the
11 family leave and medical leave insurance program shall be
12 considered either an employer or employee under this chapter as
13 the context so dictates.

14 2. For benefits payable beginning January 1, 2024, a
15 self-employed person may elect to participate in the family
16 leave and medical leave insurance program under this chapter
17 if the self-employed person meets all of the following
18 requirements:

19 a. The initial participation period for the self-employed
20 person must be a minimum of three years.

21 b. Any subsequent period of participation by the
22 self-employed person must be for a minimum of one year.

23 c. The self-employed person must participate in both family
24 leave and medical leave.

25 d. One hundred percent of all premiums assessed under
26 section 96A.12 shall be paid by the self-employed person.

27 3. A self-employed person shall file a written notice of
28 election of elective coverage with the department in the manner
29 required by the director.

30 4. A self-employed person shall be eligible for
31 family leave and medical leave benefits after working one
32 thousand two hundred fifty hours in the state during the
33 twelve-consecutive-month period immediately following the date
34 of the written notice the self-employed person filed pursuant
35 to subsection 3.

1 5. A self-employed person who has elected coverage may
2 withdraw from coverage within thirty calendar days after the
3 end of each participation period pursuant to subsection 2,
4 paragraph "a" or "b", by filing a written notice of withdrawal
5 as required by the director. The withdrawal shall take effect
6 no sooner than thirty calendar days after the self-employed
7 person files the notice of withdrawal.

8 6. If a self-employed person fails to submit the required
9 premium payments, the department may cancel the person's
10 elective coverage. The cancellation shall be effective no
11 sooner than thirty days from the date of a written notice
12 from the department to the self-employed person advising the
13 self-employed person of the impending cancellation of the
14 self-employed person's elective coverage. The department shall
15 collect all due and unpaid premiums from the self-employed
16 person for the remainder of the participation period pursuant
17 to subsection 2, paragraph "a" or "b".

18 Sec. 16. NEW SECTION. **96A.15 Employment protection.**

19 1. An eligible employee who takes family leave or medical
20 leave under this chapter is entitled to any of the following on
21 the employee's return from leave:

22 a. To be restored to the same position held by the employee
23 when the employee's leave commenced.

24 b. To be restored to an equivalent position with equivalent
25 employment benefits, pay, and other terms and conditions of
26 employment.

27 2. As a condition of restoration under subsection 1 for an
28 employee who has taken medical leave, the employer may apply
29 a uniform policy to the employee that requires an employee to
30 provide certification from the employee's health care provider
31 that the employee is able to resume work.

32 3. Taking leave under this chapter shall not result in the
33 loss of any employment benefits accrued by an employee prior to
34 the date on which the employee's leave commenced.

35 4. This section shall not be construed to entitle a restored

1 employee to any of the following:

2 *a.* The accrual of any seniority or employment benefits
3 during any period of leave.

4 *b.* Any right, benefit, or position of employment other than
5 any right, benefit, or position of employment to which the
6 employee would have been entitled had the employee not taken
7 leave.

8 5. This section shall not be construed to prohibit an
9 employer from requiring an employee on leave to report
10 periodically to the employer on the status and intention of the
11 employee to return to work.

12 6. An employer may deny restoration under this section to
13 a salaried employee who is among the ten percent highest-paid
14 employees employed by the employer within seventy-five miles
15 of the facility at which the employee is employed if all of the
16 following apply:

17 *a.* Denial of restoration is necessary to prevent substantial
18 and grievous economic injury to the operations of the employer.

19 *b.* The employer notifies the employee of the intent of the
20 employer to deny restoration on such basis at the time the
21 employer determines such basis exists.

22 *c.* The employee is on leave and elects not to return
23 to employment after receiving the employer's notice of the
24 employer's intent not to restore the employee.

25 7. This section shall not be construed as providing an
26 employee greater restoration rights than those required under
27 the federal Family and Medical Leave Act of 1993, as amended.

28 Sec. 17. NEW SECTION. 96A.16 Maintenance of existing health
29 benefits.

30 If required by the federal Family and Medical Leave
31 Act of 1993, as amended, an employer shall maintain any
32 existing health benefits of an employee for the duration of
33 an employee's leave under this chapter. If the employer and
34 the employee normally share the cost of such existing health
35 benefits, the employee shall remain responsible for the

1 employee's share of the cost of such.

2 Sec. 18. NEW SECTION. **96A.17 Employer submission of reports**
3 **and maintenance of records.**

4 1. As specified by the director and in the form and at the
5 time as required by the director, an employer shall submit
6 reports and furnish information related to the family leave and
7 medical leave insurance program to the director.

8 2. An employer shall maintain at the employer's primary
9 place of business a record of employment for each employee from
10 which any information needed by the department for purposes of
11 this chapter may be obtained. Such record shall be maintained
12 for ten years from the date on which an eligible employee
13 applies for family leave or medical leave under this chapter.
14 The record shall be open for inspection by the director at all
15 times. All personnel and employee medical records shall be
16 maintained by the employer in compliance with all applicable
17 federal and state laws.

18 Sec. 19. NEW SECTION. **96A.18 Coordination of family leave**
19 **and medical leave with other laws and with employer policies.**

20 1. Family leave or medical leave taken by an employee under
21 this chapter shall be in addition to any leave available to
22 an employee as required by applicable state or federal law
23 for sickness or temporary disability because of pregnancy or
24 childbirth.

25 2. Family leave or medical leave taken by an employee under
26 this chapter shall be taken concurrently with any leave taken
27 under the federal Family and Medical Leave Act of 1993, as
28 amended.

29 3. An employer may allow an employee who has accrued
30 vacation, sick, or other paid time off to choose to use either
31 such accrued time or to receive paid family leave or medical
32 leave insurance benefits under this chapter.

33 Sec. 20. NEW SECTION. **96A.19 Relationship to other state**
34 **and federal benefits.**

35 In any week an employee is eligible to receive benefits under

1 chapter 85, 85A, 85B, or 96, or any other applicable state or
2 federal unemployment compensation, workers' compensation, or
3 disability insurance laws, the employee is disqualified from
4 receiving family leave or medical leave insurance benefits
5 under this chapter.

6 Sec. 21. NEW SECTION. 96A.20 Discrimination prohibited.

7 This chapter shall not be construed to modify or affect any
8 federal, state, or local law prohibiting discrimination on the
9 basis of age, race, creed, color, sex, sexual orientation,
10 gender identity, national origin, religion, disability, or
11 other protected category.

12 Sec. 22. NEW SECTION. 96A.21 Department to administer
13 family leave and medical leave insurance program and conduct
14 outreach.

15 1. The director shall establish and administer the family
16 leave and medical leave insurance program and disburse family
17 leave and medical leave benefits to an eligible employee as
18 specified in this chapter.

19 2. The director shall establish procedures and forms for
20 an employee to file an application for benefits under this
21 chapter.

22 3. The department shall notify an employer within five
23 business days of an employee filing a claim for family leave or
24 medical leave insurance benefits.

25 4. Information and records pertaining to an employee under
26 this chapter that are maintained by the department shall
27 be confidential and shall only be available to department
28 personnel in the performance of official duties.

29 5. The director shall develop and implement an outreach
30 program to ensure that employers and employees are aware of
31 the family leave and medical leave insurance program and are
32 aware of the leave benefits available to eligible employees.
33 Outreach information shall explain in an easy-to-understand
34 format all of the following:

35 a. Eligibility requirements.

1 *b.* The application process.

2 *c.* How weekly benefits are calculated and the minimum and
3 maximum weekly benefit amount.

4 *d.* Restoration rights.

5 *e.* Nondiscrimination rights.

6 *f.* Confidentiality.

7 *g.* The relationship between employment protection, leave
8 from employment, wage replacement benefits under this chapter
9 and other laws, and employer policies.

10 6. The department shall be authorized to inspect and audit
11 an employer's files and records relating to the family leave
12 and medical leave insurance program under this chapter.

13 Sec. 23. NEW SECTION. **96A.22 Family leave and medical leave**
14 **insurance account.**

15 1. The family leave and medical leave insurance account
16 is created as a separate account in the state treasury in the
17 custody of the treasurer of state.

18 2. The director shall deposit all receipts from premiums
19 imposed under this chapter into such account. Expenditures
20 from the account shall be used only for the purposes of the
21 family leave and medical leave insurance program and only as
22 authorized by the director.

23 3. All premiums deposited in the account shall remain in
24 the account until expended pursuant to the requirements of this
25 chapter.

26 Sec. 24. NEW SECTION. **96A.23 Rules.**

27 The director shall adopt rules pursuant to chapter 17A as
28 necessary to implement and administer this chapter.

29 Sec. 25. NEW SECTION. **96A.24 Enforcement.**

30 The director may take any action under the director's
31 authority to enforce compliance with this chapter.

32 Sec. 26. Section 84A.1, subsection 1, Code 2019, is amended
33 to read as follows:

34 1. The department of workforce development is created to
35 administer the laws of this state relating to unemployment

1 compensation insurance, job placement and training, employment
2 safety, labor standards, ~~and workers' compensation,~~ and the
3 family leave and medical leave insurance program.

4 Sec. 27. DIRECTOR ANALYSIS OF FUNDING THE FAMILY LEAVE
5 AND MEDICAL LEAVE INSURANCE PROGRAM AND REPORT TO THE GENERAL
6 ASSEMBLY. The director of the department of workforce
7 development shall conduct an analysis of the family leave
8 and medical leave insurance program as funded pursuant to
9 section 96A.12, as enacted in this Act, and of the benefits
10 paid pursuant to section 96A.10, as enacted in this Act. The
11 director shall determine if the premium rates and benefit
12 levels are appropriate to fully fund and maintain the solvency
13 of the family leave and medical leave insurance account.

14 The director shall submit the director's findings to the
15 general assembly pursuant to section 7A.11 no later than
16 January 14, 2020.>

17 2. Title page, by striking lines 1 through 3 and inserting
18 <An Act relating to a family leave and medical leave insurance
19 program that provides for paid, job-protected leave for certain
20 family leave and medical leave reasons for eligible employees
21 of specified employers.>

MEYER of Polk